

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

SOURCEPROSE CORPORATION

BY _____

Plaintiff

vs.

CIVIL ACTION NO.
2-04 CV-265 Tju

THE FIRST AMERICAN CORPORATION; FIRST AMERICAN FLOOD DATA SERVICES, INC.; FIRST AMERICAN REAL ESTATE SOLUTIONS OF TEXAS, L.P.; FIRST AMERICAN REAL ESTATE INFORMATION SERVICES, INC.; FIRST AMERICAN FLOOD HAZARD CERTIFICATION, L.L.C. f/k/a TRANSAMERICA FLOOD HAZARD CERTIFICATION, INC.; FIDELITY NATIONAL FINANCIAL, INC.; FIDELITY NATIONAL FLOOD SERVICES, INC.; LENDERS SERVICES INC. d/b/a LSI or d/b/a LSI FLOOD SERVICES; FIDELITY INFORMATION SERVICES; LANDAMERICA FINANCIAL GROUP, INC.; LERETA CORPORATION; and LANDAMERICA LERETA

JURY DEMANDED

Defendants

PLAINTIFF'S ORIGINAL COMPLAINT

I. THE PARTIES

1. Plaintiff SourceProse Corporation ("SourceProse") is a Texas corporation that maintains its principal place of business at 6751 Rufe Snow Drive, Suite 350, Watauga, Texas 76148-2331.

2. Defendant The First American Corporation is a California corporation doing business in Texas. Service of process may be effected by delivering a copy of the summons and complaint to the corporate headquarters at 1 First American Way, Santa Ana, California 92707.

3. Defendant First American Flood Data Services, Inc. is a Texas corporation with a principal place of business at 11902 Burnet Road, Ste. 400, Austin, TX 78758. Service of process may be effected by delivering a copy of the summons and complaint to the registered agent, Corporation Service Company, 800 Brazos, Austin, Texas 78701.

4. Defendant First American Real Estate Solutions of Texas, L.P. is a Texas Limited Partnership with a principal place of business at 150 2nd Ave. North, Ste. 1600, St. Petersburg, FL 33701. Service of process may be effected by delivering a copy of the summons and complaint to the registered agent, Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

5. Defendant First American Real Estate Information Services, Inc. is a California corporation doing business in Texas with a principal place of business at 1 First American Way, Santa Ana, California 92707. Service of process may be effected by delivering a copy of the summons and complaint to the registered agent, Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

6. Defendant First American Flood Hazard Certification, L.L.C. f/k/a Transamerica Flood Hazard Certification, Inc. is a Delaware limited liability company. Service of process may be effected by delivering a copy of the summons

and complaint to the registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19801.

7. Defendant Fidelity National Financial, Inc. is a Delaware corporation doing business in Texas and headquartered at 601 Riverside Ave., Jacksonville, FL 32204. Service of process may be effected by delivering a copy of the summons and complaint to the registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, New Castle, Delaware 19801.

8. Defendant Fidelity National Flood Services, Inc. is a Delaware corporation doing business in Texas. Service of process may be effected by delivering a copy of the summons and complaint to the corporate headquarters at 4050 Calle Real, Santa Barbara, CA 93110.

9. Defendant Lenders Services, Inc. d/b/a LSI or d/b/a LSI Flood Services is a corporation doing business in Texas. Service of process may be effected by delivering a copy of the summons and complaint to the corporate headquarters at 700 Cherrington Parkway, Coraopolis, PA 15108-4306.

10. Defendant Fidelity Information Services is a corporation doing business in Texas. Service of process may be effected by delivering a copy of the summons and complaint to the corporate headquarters at 4001 Rodney Parham Road, Little Rock, Arkansas 72212-2496.

11. Defendant LandAmerica Financial Group, Inc. is a _____ corporation doing business in Texas. Service of process may be effected by delivering a copy of

the summons and complaint to the corporate headquarters at 101 Gateway Centre Parkway, Richmond, Virginia 23235.

12. Defendant Lereta Corporation is a California corporation doing business in Texas. Service of process may be effected by delivering a copy of the summons and complaint to the registered agent, Rex C. Glines, at 12926 Dairy Ashford, Suite 181, Sugar Land, Texas 77478.

13. Defendant LandAmerica Lereta is a California corporation doing business in Texas. Service of process may be effected by delivering a copy of the summons and complaint to the corporate headquarters at 1123 Park View Dr., Covina, California 91724-3748.

II. JURISDICTION AND VENUE

9. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271 et seq. and 28 U.S.C. § 1338.

10. Personal jurisdiction exists generally over each of the Defendants because each has sufficient minimum contact with the forum as a result of business conducted within the State of Texas and within this district. Personal jurisdiction also exists specifically over each of the Defendants because of Defendants' conduct in making, using, selling, offering to sell, and/or importing, directly contributory, and/or by inducement, infringing products and practices within the State of Texas and within the Eastern District of Texas.

11. Venue is proper in this Court under 28 U.S.C. §§1391(b), (c), and (d), as well as 28 U.S.C., § 1400(b).

III. PATENT INFRINGEMENT

12. SourceProse is the owner as assignee of all rights, title, and interest in and under United States Patent No. 6,631,326 B1 ("the '326 patent"), which duly and legally issued on October 7, 2003, with John Willard Howard, Dan Martin Scott, and Darin Wayne Higgins as the named inventors, for an invention in a system and method for performing flood zone certifications.

13. SourceProse is the owner as assignee of all rights, title, and interest in and under United States Patent No. 6,678,615 B2 ("the '615 patent"), which duly and legally issued on January 13, 2004, with John Willard Howard, Dan Martin Scott, and Darin Wayne Higgins as the named inventors, for an invention in a system and method for performing flood zone certifications.

14. Defendants have been and are infringing the '326 and '615 patents by making, using, selling, offering for sale, and/or importing in or into the United States, directly, contributory, and/or by inducement, without authority, products and practices that fall within the scope of the claims of the '326 and '615 patents, including but not limited to certain flood hazard determinations. Defendants are doing so jointly and severally under 35 U.S.C. § 271. Defendants will continue to infringe the '326 and '615 patents unless enjoined by this Court. SourceProse is without an adequate remedy at law.

15. Defendants' infringements of the '326 and '615 patents have been and are willful.

16. Defendants have been and are actively inducing and/or contributing to the infringement of the '326 and '615 patents among themselves and by others.

17. This is an exceptional case within the meaning of 35 U.S.C. § 285.

IV. PRAYER FOR RELIEF

SourceProse respectfully requests the following relief:

- A. That the Court declare that the '326 and '615 patents are valid and enforceable and that they are infringed by Defendants;
- B. That the Court enters a preliminary and thereafter a permanent injunction against Defendants' direct infringement of the '326 and '615 patents;
- C. That the Court enter a preliminary and thereafter a permanent injunction against Defendants' active inducement of infringement and/or contributory infringement of the '326 and '615 patents among themselves and by others;
- D. That the Court award damages to SourceProse to which it is entitled for patent infringement;
- E. That the Court award interest on the damages to SourceProse;
- F. That the Court treble all damages and interest for willful infringement;
- G. That the Court award to SourceProse its costs and attorneys fees incurred in this action; and
- H. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

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